

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JERRY EUGENE WALKER,
Plaintiff,

v.

HON. STEVEN T. ONEILL, et al.
Defendants.

CIVIL ACTION

NO. 17-4973

ORDER

AND NOW, this 6th day of December, 2017, upon consideration of plaintiff's motion to proceed *in forma pauperis* (ECF No. 3), his "request and affidavit to proceed *in forma pauperis*" (ECF No. 4), his "motion of notice/forma pauperis" (ECF No. 5), his *pro se* complaint (ECF No. 1-1 & 1-2), his *pro se* statement (ECF No. 6), and his addendum (ECF No. 7), it is ORDERED that:

1. Leave to proceed *in forma pauperis* is GRANTED.
2. Plaintiff, Jerry Eugene Walker, #16-4352 shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b). Based on the financial information provided by plaintiff, he is not assessed an initial partial filing fee. In each month when the amount in plaintiff's inmate trust fund account exceeds \$10.00, the Warden of the Montgomery County Correctional Facility or other appropriate official shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to plaintiff's inmate trust fund account until the fees are paid. Each payment shall reference the docket number for this case, Civil Action No. 17-4973.
3. The complaint is DISMISSED pursuant to 28 U.S.C. §§ 1915(e)(2)(B)(i) & (ii) for the reasons discussed in the Court's memorandum.

4. Plaintiff is given leave to file an amended complaint in this lawsuit, Civil Action Number 17-4973, with respect to any claims arising out of his arrests, imprisonment, prosecutions, or parole violations. Any amended complaint must name all of the defendants in the caption and must clearly explain how the defendants were involved in violating plaintiff's rights. Additionally, any amended complaint shall not pursue time-barred claims, claims that are barred by principles of judicial or prosecutorial immunity, or claims that challenge convictions that have not been invalidated. Upon the filing of an amended complaint, the Clerk of Court shall not make service until so ORDERED.

5. If plaintiff seeks to pursue claims based on the conditions at the Montgomery County Correctional Facility, he must initiate new civil action that is separate from this case and that is separate from any amended complaint he files in this case. If he initiates a new civil action, any complaint he files in that action must clearly list all of the defendants in the caption and must clearly state the basis for plaintiff's claims against each defendant. Additionally, if plaintiff files a new civil action to pursue his claims based on the conditions at the Montgomery County Correctional Facility, he must either pay the \$350 filing fee and \$50 administrative fee or file a motion for leave to proceed *in forma pauperis* with a certified copy of his account statement for the prior six-month period if he can obtain one. As in this case, he will be required to pay the filing fee in installments if he is granted leave to proceed *in forma pauperis*.

6. The Clerk of Court is directed to send plaintiff two blank form complaints to be used by a prisoner filing a civil rights action pursuant to 42 U.S.C. § 1983. The Clerk of Court shall write the civil action number of this case, Civil Action Number 17-4973 on one of the forms and shall leave the other form blank. Plaintiff may use these forms to file an amended complaint in 17-4973 and initiate a second action if he chooses to do so.

7. The Clerk of Court is directed to send a copy of this order to the Warden of the Montgomery County Correctional Facility.

BY THE COURT:


JOEL H. SLOMSKY, J.